

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, June 17, 2009 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. Lyle W. Hillyard
Sen. Ross I. Romero
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Rebecca D. Lockhart
Rep. Kay L. McLiff
Rep. Curtis Oda

Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Sen. D. Chris Buttars
Sen. Scott D. McCoy
President Michael G. Waddoups
Rep. Jennifer M. Seelig

Staff Present:

Jerry D. Howe, Policy Analyst
Stewart E. Smith, Policy Analyst
Susan Creager Allred, Associate General Counsel
Esther D. Chelsea-McCarty, Associate General Counsel
Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Aagard called the meeting to order at 2:18 p.m. Sen. Buttars, Sen. McCoy, and Rep. Seelig were excused from the meeting.

MOTION: Sen. Hillyard moved to approve the minutes of the May 20, 2009 meeting. The motion passed unanimously, with Sen. Romero, Rep. Allen, Rep. Fowlke, Rep. Grover, Rep. Hutchings, Rep. Lockhart, and Rep. Wimmer absent for the vote.

2. Debt Collection - Statute of Limitations for Bad Checks

Rep. Jack R. Draxler distributed and discussed 2010 General Session draft legislation, "Statute of Limitations on Bad Checks." He stated that the draft legislation would clarify the statute of limitations on bad checks and standardize it at six years.

Mr. Mark Olson, collection attorney and Chair, American Collector's Association Member Attorney Program for Utah, spoke in favor of the draft legislation. He stated that courts have previously operated under a six year statute of limitations on bad checks, but recent rulings have uncovered a conflict in statute since the recent decisions were based on a three year statute of limitations.

Mr. Olson and Rep. Draxler answered questions from the Committee.

Ms. Candace Daly, Director, Utah Chapter of the National Federation of Independent Business, spoke in favor of the draft legislation.

MOTION: Rep. McIff moved to amend 2010 General Session draft legislation, "Statute of Limitations on Bad Checks" by striking the word "six" on line 36 and inserting the word "three." This motion was not voted on due to lack of a quorum.

Chair Aagard moved to the next agenda item.

3. Inmate Health Insurance Coverage

Rep. Paul Ray discussed 2010 General Session draft legislation, "Inmate Health Insurance Amendments," which was distributed to the Committee prior to the meeting. Rep. Ray explained that the draft legislation requires insurance companies providing health or accident policies to coordinate benefits for an insured individual housed in a correctional facility or in the custody of the Department of Corrections. Rep. Ray stated that the draft legislation would affect a small portion of inmates and insurance companies, but it would help to decrease the Department of Corrections' medical budget shortfall.

Mr. Thomas Patterson, Executive Director, Utah Department of Corrections, distributed and discussed "Insurance Provisions Regarding Offenders." He informed the Committee of the Department of Corrections' efforts to take proactive steps toward decreasing the clinical services budget shortfall.

Rep. Ray and Mr. Patterson answered questions from the Committee.

Mr. Kelly Atkinson, Executive Director, Utah Health Insurance Association, distributed and discussed "Utah Health Insurance Association's Testimony Before the Judiciary, Law Enforcement, and Criminal Justice Interim Committee: Utah Legislature - Background." He spoke in opposition to the draft legislation and stated that small businesses should not be required to pay more for incarceration than the rest of the general public.

MOTION: Rep. Allen moved to continue to the next agenda item.

SUBSTITUTE MOTION: Rep. King moved to adopt favorably 2010 General Session draft legislation, "Inmate Health Insurance Coverage" as a Committee bill. The motion failed with Sen. Greiner, Sen. Hillyard, Rep. Aagard, Rep. Fowlke, Rep. Greenwood, Rep. Hutchings, Rep. King, Rep. McIff, and Rep. Oda voting in favor.

The original motion passed unanimously.

4. Illegal Online Drug Purchases

Rep. Beck distributed and discussed "Utah Pharmaceutical Drug Crime Project Overview - Utah Pharmaceutical Drug Crime Project." She described the problem of high incidents of prescription drug overdose deaths in Utah.

Ms. Lynnette Wingert, Drug Enforcement Administration Salt Lake Office, detailed the statistics of prescription drug abuse in Utah.

Mr. Chad Platt, Salt Lake County District Attorney's Office, spoke in favor of pursuing draft legislation to address the unlawful distribution and possession of prescription medications.

Sen. Greiner stated that he is not aware of illegal online drug purchases being a large contributor to prescription drug overdose deaths and related that the problem comes from the availability of prescription drugs in the home and the belief that prescription drugs will not hurt you. He encouraged Rep. Beck to develop a definition of illegal online drug purchases for the next discussion of this issue.

Rep. Aagard asked Rep. Beck to provide an outline of the draft legislation to the Committee for the next discussion of this issue.

Rep. Beck asked to be placed on an agenda later in the interim to present her draft legislation.

Rep. Fowlke said it would be helpful to know the policy decisions that Rep. Beck would like the legislation to address.

5. Duration and Termination of Alimony

Sen. Hillyard outlined the following issues concerning alimony for the Committee to study during the interim:

- (1) Should cohabitation remain as a terminating factor for alimony and, if so, should the definition of cohabitation be expanded?
- (2) Should there be a requirement or an incentive for spouses nearing the end of the alimony period to focus on self-support?
- (3) Should an alimony schedule be created?

Rep. Fowlke agreed with the problem of an inadequate definition in the cohabitation requirement to terminate alimony and stated that there should be more guidelines on alimony in statute.

Rep. Hutchings stated that a graduated schedule is an excellent idea so there is not a sudden stop to alimony.

6. Other Business / Adjourn

MOTION: Rep. Ipson moved to adjourn the meeting. The motion passed unanimously, with Sen. Romero, Rep. Allen, Rep. Grover, Rep. McIff, and Rep. Wimmer absent for the vote.

Chair Aagard adjourned the meeting at 4:47 p.m.